

via ECF

Hon. Edgardo Ramos, U.S.D.J.
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

June 1, 2020**RE: Diaz v. Bronx Pawnbroker Inc. et al., No. 18-07590-ER****To the Hon. Ramos:**

I represent plaintiff Brandon Diaz in the above-referenced action. I write to request an extension of the briefing schedule issued by the Court on March 18, 2020, Docket No. 47. My adversary consents to this request.

On March 18, 2020, the Court issued the following briefing schedule for Defendants' motion for summary judgment: Motion due April 17, 2020; Opposition due May 1, 2020; and Reply due June 1, 2020.

On April 3, 2020, the Court granted Plaintiff leave to file a motion to compel or for sanctions with his opposition to the Defendants' motion for summary judgment, and that Defendants were to file their opposition to any motion along with their reply in support of summary judgment.

On two prior occasions, the parties requested an extension of the briefing schedule. The Court granted both requests. The first request was in order to allow Defendants to amend their motion papers to include a Rule 56 statement that was missing from the original filing. It should be noted that Defendants amended their filing 23 days after filing it, which was a drain on Plaintiff's resources as much of the opposition Plaintiff had prepared needed to be changed in light of the amended filing. It should be noted that after Defendants amended their filing, they requested permission to amend their filing a third time. Plaintiff consented to this amendment and the Court allowed it. This amendment did not necessitate an extension to the briefing schedule (but did again serve as a drain on Plaintiff's resources).

The second extension to the briefing schedule was requested by the Plaintiff, with the consent of Defendants, and was a small, three-day extension in order to allow the Plaintiff to gather affidavits from witnesses.

Now, Plaintiff is requesting a third extension, because earlier today, three days before Plaintiff's opposition and motion to compel are due, Defendants produced 32 pages of text messages, with redactions. This third request is for an additional two weeks, making Plaintiff's opposition due June 18, 2020, and Defendants' reply due July 2.

I have not had a chance to review the text messages in depth, but I can represent that these messages are directly relevant to the briefing. It is unfortunate that these documents were produced today because they will almost certainly require Plaintiff to change the arguments in the briefing.

Nevertheless, Plaintiff believes that the production of these materials is positive progress in discovery, and that an additional two weeks to the briefing schedule will allow the parties to meet and confer on outstanding discovery issues, and narrow the issues in dispute in the briefing.

As always, I thank the Court for its time and consideration.

Respectfully Submitted,

/s Mohammed Gangat
Mohammed Gangat, Esq.

The application is granted
 denied



Edgardo Ramos, U.S.D.J

Dated: Jun. 02, 2020

New York, New York